

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6962**

**BILL NUMBER:** HB 1925

**DATE PREPARED:** Jan 19, 1999

**BILL AMENDED:**

**SUBJECT:** Citations for Smoking on School Property.

**FISCAL ANALYST:** David Hoppmann

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**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill would authorize a public school teacher (teacher) or public school administrator (administrator) to issue a citation to a person who is less than 18 years of age for unlawful possession of tobacco if the alleged violation occurs on or within 1,000 feet of school property. It would establish procedures for the teacher or administrator to follow when issuing the citation, and would require each citation to be issued on a written citation form designed and approved by the State Police Department. It would require the principal of the public school (school) to forward a copy of any citation that is issued to the local prosecuting attorney's office.

It would allow a teacher to be absent from work with pay whenever the teacher is summoned to testify in court regarding a minor's alleged unlawful possession of tobacco on or near public school property (school property). It would also require the State to reimburse a school corporation for the costs of a substitute teacher who is hired as a result of a teacher's absence from work to testify concerning a smoking violation.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:**

**TOBACCO USE IN INDIANA PUBLIC SCHOOLS**

The Indiana Prevention Resource Center, Indiana University, currently released its main findings from the "1998 Annual Survey of Alcohol, Tobacco, and Other Drug Use by Indiana Children and Adolescents" coordinated by the Indiana Prevention Resource Center under a contract with the Indiana Family and Social Services Administration - Division of Mental Health, Copyright © 1998. Although findings indicate that youthful tobacco use in Indiana has been in significant decline since 1997, findings also indicate that a large percentage of Indiana youth still engage in cigarette or smokeless tobacco use.

Sample data were collected from 137 schools in 41 separate community or school corporation surveys, reflecting 44,232 respondents from 6th grade through 12th grade, representing the entire State. For 1998, findings indicate that approximately 18% of Indiana 6th graders, and approximately 52% of Indiana 12th graders engage in cigarette use, while approximately 4% of Indiana 6th graders, and approximately 20% of Indiana 12th graders engage in smokeless tobacco use.

### PUBLIC SCHOOL ENROLLMENT

For the 1998-99 school year, public student enrollment is approximately 510,474 for 6th through 12th grade, and of this number, 73,455 are 6th graders and 63,921 are 12th graders. Total public school enrollment is approximately 980,811.

### SUBSTITUTE TEACHER COSTS

The State would incur additional cost regarding the reimbursement of a school corporation for substitute teachers who are hired to replace teachers called to testify concerning a smoking violation. Currently, a substitute teacher earns approximately \$65 per day.

Total substitute teacher costs are currently indeterminable, and would depend upon the number of students prosecuted by local prosecuting attorneys' offices for the unlawful possession of tobacco.

### CITATION DESIGN AND APPROVAL COST

This bill would require the State Police Department to design and approve citations for schools to use for the unlawful possession of tobacco by minors on or near school property. Citations would be required to contain the following: 1) relevant information pertaining to the nature of the charge and to the responsibilities of the person who allegedly commits the violation; 2) a written statement pertaining to the legal authority of a teacher or school administrator to issue a violation; and 3) a place for the name and position of the person who issues a citation as well as a place for the name, address, and telephone number of the school that issues a citation.

The State Police Department would incur minimal administrative time and cost to approve a school citation format for schools to use in accordance with this bill.

**Explanation of State Revenues:** (*Penalty Provision*) If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 which is deposited into the State General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed (70% of the court fee would be deposited into the State General Fund if the case is filed in a court of record, or 55% if the case is filed in a city or town court).

### **Explanation of Local Expenditures:**

#### SCHOOL COSTS

This bill would give a teacher or administrator the same authority as a law enforcement officer to issue a citation for a "Class C" infraction to a person who is less than eighteen years of age for the unlawful possession of tobacco on or within one thousand feet of school property. Teachers and administrators would use citation forms provided by local law enforcement agencies (upon request of the school), and approved by the State Police Department.

It would require the principal of a school to ensure that a copy of each citation issued by a teacher or administrator be forwarded to the local prosecuting attorney's office not more than three days after the citation has been issued.

This bill would not require schools to issue citations, therefore school corporations would be free to decide whether or not its schools should adopt policies to issue citations in accordance with this bill. The effects of this portion of the bill would depend upon the number of students cited for the unlawful possession of tobacco, and therefore is currently indeterminable.

#### **LOCAL LAW ENFORCEMENT COSTS**

This bill would require a local law enforcement agency to send State Police Department approved citation forms (upon request from the school) to a principal of any school in the area that is served by the local law enforcement agency. These agencies would incur additional costs associated with the printing and distribution of citations.

Currently, the State Police Department contracts with a local company to print multiple-copy traffic citations at approximately \$0.04 per citation (each \$9.00 package contains 250 citations divided into ten citation books). The local contractor reports that if local law enforcement agencies order school citations at the same time the State Police Department orders its traffic citations, the local agencies would benefit from the same price charged to the State. However, if local law enforcement agencies contract with this company but order its citations on a different schedule than does the State, citation costs would increase for the local law enforcement agencies.

Ultimately, the cost to print and distribute citations to schools would depend upon the contractor chosen by each local law enforcement agency, and would fluctuate from school to school.

**Explanation of Local Revenues:** (*Penalty Provision*) If additional court actions are filed and a judgment is entered, local governments would receive revenue described in the following examples: 1) The County General Fund would receive 27% of the \$70 court fee that is assessed in a court of record (cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record would receive 3% of court fees). If the case is filed in a city or town court, 20% of the court fee would be deposited into the County General Fund and 25% would be deposited into the City or Town General Fund. 2) A \$3 fee would be assessed, and if collected, would be deposited into the County Law Enforcement Continuing Education Fund. 3) A \$2 jury fee would be assessed, and if collected, would be deposited into the County User Fee Fund to supplement the compensation of jury members.

**State Agencies Affected:** State Police Department.

**Local Agencies Affected:** Law Enforcement Agencies, Trial Courts, School Corporations, and Public Schools.

**Information Sources:** Indiana Prevention Resource Center, "1998 Annual Survey of Alcohol, Tobacco, and Other Drug Use by Indiana Children and Adolescents", Copyright © 1998, (317) 855-1237; Bill Moosier, Indiana State Police, (317) 899-8547; Mike Nidey, Miami Systems Corporation, (317) 257-1271.